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**AUG 09 2005**

## FACSIMILE TRANSMISSION

**Total # of Pages 13 (including this page)**

TO:	PHONE #:	FAX #:
Commissioner for Patents Alexandria, Virginia	(571) 272-1254	(571) 273-8300

**From :** Barry S. Wilson

**Date :** August 9, 2005

**Client/Matter No :** 071949-1307

**User ID No :** 3067

### MESSAGE:

**Re:** US Patent Application No. 09/613,650  
**Our Ref.:** 071949-1307

**Attached please find:**

- Transmittal (3 pgs.);
- Response to Office Action (9 pgs.);
- Authorization to charge Deposit Account No. 50-0872 any fees due.

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<b>Operator:</b>	<b>Time Sent:</b>	<b>Return Original To:</b> Nancy V. McElrath
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AUG 09 2005

Atty. Dkt. No. 071949-1307

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Kenneth F. Buechler

Title: DIAGNOSTIC DEVICES AND  
APPARATUS FOR THE  
CONTROLLED MOVEMENT OF  
REAGENTS WITHOUT  
MEMBRANES

Appl. No.: 09/613,650

Filing Date: 07/11/2000

Examiner: Alexander, Lyle

Art Unit: 1743

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b>	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
Nancy V. McElrath	
(Printed Name)	
<i>Nancy V. McElrath</i>	
(Signature)	
August 9, 2005	
(Date of Deposit)	

**TRANSMITTAL**

Mail Stop AMENDMENT  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following:

- ☒ Response to Office Action (9 pgs.)
- ☐ Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.
- ☐ Assertion of Small Entity status is enclosed.
- ☒ The fee required for additional claims is calculated below:

Claims As Amended	Previously Paid For	Extra Claims Present	Rate	Additional Claims Fee
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Atty. Dkt. No. 071949-1307

Total Claims:	20	-	73	=	0	x	\$50.00	=	\$0.00
Independent Claims:	2	-	9	=	0	x	\$200.00	=	\$0.00
First presentation of any Multiple Dependent Claims:		+					\$360.00	=	\$0.00
CLAIMS FEE TOTAL									= \$0.00

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input checked="" type="checkbox"/>	Extension for response filed within the first month:	\$120.00	\$120.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$450.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the third month:	\$1,020.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,590.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:			\$120.00
<input type="checkbox"/>	Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:			\$120.00
<input type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):		\$0.00
TOTAL FEE:			\$120.00

☒ Please charge Deposit Account No. 50-0872 in the amount of \$120.00. A duplicate copy of this transmittal is enclosed.

☐ A check in the amount of \$0.00 is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such

Atty. Dkt. No. 071949-1307

extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to  
Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address  
indicated below.

Respectfully submitted,

Date August 9, 2005

FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6722  
Facsimile: (858) 792-6773

By Barry S. Wilson  
Barry S. Wilson  
Attorney for Applicant  
Registration No. 39,431

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AUG 09 2005

Patent  
071949-1307

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth F. Buechler  
Title: DIAGNOSTIC DEVICES AND  
APPARATUS FOR THE  
CONTROLLED MOVEMENT OF  
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Art Unit: 1743

<p><b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.</p> <p><u>Nancy McElrath</u> (Printed Name) <u>Nancy J. McElrath</u> (Signature) <u>August 9, 2005</u> (Date of Deposit)</p>
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RESPONSE TO OFFICE ACTION

Mail Stop AMENDMENT  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the Office Action mailed on April 14, 2005, please enter the  
following amendments and consider the following remarks.

The claims begin on page 2; remarks begin on page 6.

08/10/2005 JBALINAM 00000053 500872 09613650  
01 FC:1251 120.00 DA

023.273637.1

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